

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
September 16, 2014

In the Matter of PARMENTER/SNYDER, Minors.

No. 320287
Osceola Circuit Court
Family Division
LC No. 11-004829-NA

Before: SHAPIRO, P.J., and WHITBECK and STEPHENS, JJ.

PER CURIAM.

Respondent appeals as of right the order terminating her parental rights to three of her children under MCL 712A.19b(3)(a)(ii), (c)(i), and (j). We affirm.

Respondent's sole argument on appeal is that the court erred in finding that termination of her parental rights was in the best interests of the children. We disagree.

We review for clear error the trial court's factual findings in an order to terminate parental rights. See MCR 3.977(K); *In re Rood*, 483 Mich 73, 90; 763 NW2d 587 (2009). "[T]he preponderance of the evidence standard applies to the best-interest determination." *In re Moss*, 301 Mich App 76, 83; 836 NW2d 182 (2013).

"A finding is 'clearly erroneous' [if] although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re Rood*, 483 Mich at 91, quoting *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989) (quotation marks omitted). We must give regard "to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it." *In re Ellis*, 294 Mich App 30, 33; 817 NW2d 111 (2011); see also MCR 2.613(C).

"Only one statutory ground need be established by clear and convincing evidence to terminate a respondent's parental rights, even if the court erroneously found sufficient evidence under other statutory grounds." *Ellis*, 294 Mich App at 32.

We review de novo a trial court's interpretation of statutes and court rules. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010).

"If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not

be made.” MCL 712A.19b(5). In determining a child’s best interests, the trial court may consider the child’s need for stability and permanency and whether the child is progressing in its current placement. *In re VanDalen*, 293 Mich App 120, 141; 809 NW2d 412 (2011).

In this case the trial court used the child custody best interest factors listed in MCL 722.23 as a guide to determine the best interests of the children. The trial court focused its analysis on the respondent's mental health and its affect on her ability to either bond with the children or to keep them safe. The trial court found that the respondent failed to attend visitations through which she could bond with her children. Additionally, the court found that the failure to attend these visitations was either willful or a result of the depth of the respondent's mental health problems. Neither finding was clearly erroneous. Respondent often refused to communicate with DHS workers and at times displayed verbal and physical aggression towards them. Respondent's testimony supported the court's findings. She admitted that she went for long periods of time where she chose to not participate in parenting time visits with her children, saying it was just too difficult for her to see the children and then have to say goodbye. Respondent acknowledged that she needed to take time to work on her own personal issues, and that she chose not to see her children for months at a time. She admitted that she had a weak bond with her children, but attributed this to their early removal from her care. The record demonstrates that, in part due to her mental health state, the respondent neither appreciated the relationship between visitation and parental bonding, nor the relationship between her state of mental health and bonding.

The court also noted that the children faced a serious risk of harm from the respondent herself. Respondent on two occasions threatened to kill her twin daughters. On another occasion respondent’s emotional instability led her to storm off after an argument with one of the children’s fathers and leave the twins completely unattended. Unfortunately, the record demonstrates respondent made little to no progress at all on her mental health issues, and even regressed during the two-year pendency of this case. A psychologist who evaluated respondent on two occasions testified that respondent’s mental condition was actually worse at the time of the second evaluation. The psychologist testified that it would not be safe for the children to be in the care of respondent.

The evidence showed that the children were doing well in their current placements. The children need the stability, permanence and security that come with termination of respondent’s parental rights. Credible evidence established that the children would not be safe in respondent’s care due to her volatility and her mental illness. Accordingly, we find no error in the trial court’s decision.

Affirmed.

/s/ Douglas B. Shapiro
/s/ William C. Whitbeck
/s/ Cynthia Diane Stephens